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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/676,346      | 09/29/2003  | Dario De Judicibus   | FR920030032US1      | 7141             |

30449 7590 09/23/2008  
SCHMEISER, OLSEN & WATTS  
22 CENTURY HILL DRIVE  
SUITE 302  
LATHAM, NY 12110

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| EXAMINER |
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THEIN, MARIA TERESA T

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| ART UNIT | PAPER NUMBER |
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3627

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| MAIL DATE | DELIVERY MODE |
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09/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/676,346             |  | JUDICIBUS ET AL.    |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | MARISSA THEIN          |  | 3627                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.                                     |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-29-03</u> .   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election with traverse of Group I, claims 1-6 and 8 in the reply filed on July 29, 2008 is acknowledged.

Claim 7 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on July 29, 2008.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on September 29, 2003 is being considered by the examiner.

### ***Drawings***

The drawings filed on September 29, 2003 have been considered.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3, 5-6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over World Publication No. WO 96/13814 to Vazvan in view of U.S. Patent Application Publication No. 2003/0119478 to Nagy et al.**

Regarding claims 1, 3 and 8, Vazvan discloses a method and a computer program comprising a computer readable medium for booking and paying a retailer comprising: receiving at the transaction server (computing station located in the bank 24) the user wireless device an SMS (short message) containing a retailer identification (account number of payee) (page 5, lines 17-24); Reading at the transaction sever the number of the phone number of the phone number of the wireless device communicated by the carrier transporting the SMS (page 5, lines 1-4; computing station can identify the calling party (payer) because it has received the calling party's identify from the wireless network); authenticating the phone number and retailer identification with the stored user information (page 15, lines 1-10) and sending the user confidential information to the retailer system (page 5, lines 24-25; the computing station transfers the amount of payment, mentioned on the bill from the payer's account to the payee's account); and the retailer entering payment information on the system and sending it with user information to transaction server (page 6, lines 16-26; customer.. gives...SIM card or credit card to the waiter to be entered into the waiter's portable telephone. Then waiter dials the telephone number of computing station or the number is dialed automatically after the SIM card or credit card has been read by the SIM card or credit card reader of the waiter's portable terminal.....In the bank, the computing station checks the account information of payer).

However, Vazvan does not explicitly disclose POS and the user entering on the POS the user code and POS reading and authenticifying the user code; and executing the step if the user code is identified as belonging to the user confidential information.

Vazvan does teach the waiter's portable telephone or terminal having a reader that reads the SIM card or credit card of the payer (page 6, liens 19-20).

Nagy, on the other hand, teaches POS and the user entering on the POS the user code and POS reading and authenticating the user code; and executing the step if the user code is identified as belonging to the user confidential information (paragraph 73; paragraph 75).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and computer program of Vazvan, to include POS and the user entering on the POS the user code and POS reading and authenticating the user code and executing the step if the user code is identified as belonging to the user confidential information as taught by Nagy in order to provide authenticate the subscriber to the financial network (Nagy, paragraph 35).

Regarding claims 2, 5-6, Vazvan discloses executing step if the phone number is identified as belonging to user information on the transaction server (page 15, lines 1-10) encrypting the data and decrypting data (page 3, lines 33-38; user identify transmitted from the portable terminal to the network is completely encrypted and secured).

**Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over World Publication No. WO 96/13814 to Vazvan and U.S. Patent Application Publication No. 2003/0119478 to Nagy et al. as applied to claim 1 above, and further in view of U.S. Patent Application Publication No. 2003/0187795 to Lee et al.**

Regarding claim 4, Vazvan and Nagy substantially discloses the claimed invention, specifically disclosing transmitting user confidential information wherein the user code comprises a PIN; storing at the transaction server the user confidential number adding a user identification string (mPIN) ; and sending the user string (Nagy, paragraph 54).

However, the combination does not explicitly disclose entering the user identification string; authenticating the user string; if identified entering the user PIN; authenticating the user string with said user confidential information and executing the steps on if the user PIN is identified.

Lee, on the other hand, teaches entering the user identification string; authenticating the user string; if identified entering the user PIN; authenticating the user string with said user confidential information; and executing the steps on if the user PIN is identified (abstract and paragraph 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include entering the user identification string; authenticating the user string; if identified entering the user PIN; authenticating the user string with said user confidential information and executing the steps on if the user PIN is identified, as taught by Lee, in order to provide authenticate the user.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARISSA THEIN whose telephone number is (571)272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot /M. T./  
Examiner, Art Unit 3627  
September 15, 2008

/F. Ryan Zeender/  
Supervisory Patent Examiner, Art Unit 3627